REMARKS

Claims 3, 4, 9 and 10 were objected to for using the term "step." The claims have been amended to change "step" to --stepped--.

Claims 3, 4, 9 and 10 were rejected under 35 U.S.C. §112, second paragraph based upon a lack of antecedence for the phrase "said hooking portions of said stopping guard," as kindly noted by the Examiner. Accordingly the above amendment is believed to correct for those deficiencies.

Claims 1, 2, 7, 8, 13-16 and 18-21 were rejected under 35 U.S.C. §102(b) as being anticipated by Takahashi et al. (US 5671104). The applicant respectfully traverses this rejection for the following reason(s).

Claim 1 has been amended to include the features of *a stopping guard having a pair of hooking portions* and *a latch lever pivotally installed on said stopping guard.* These features have been determined by the Examiner to not be disclosed in Takahashi. See the §103 rejection. Accordingly, claims 1, 2, 7 and 8 are not anticipated by Takahashi.

Claim 13 requires that *said upper yoke includes a first extended coupling portion and said lower yoke includes a second extended coupling portion.*

The Examiner has referred us to Takahashi's Fig. 2 with respect to the *first* and *second extended coupling portion*s. In the Applicant's invention such extended coupling portions are described and shown as elements 401. See Applicant's Fig. 3. There are no such extended coupling

portions disclosed in Takahashi, and it is not clear what portions of the upper and lower yokes 23 and 24 in Takahashi the Examiner deems to correspond to the claimed *first* and *second extended coupling portions*.

Claim 13 also calls for *a latch lever pivotally installed adjacent to said upper and lower yokes; an interference part attached to a first end of said latch lever;* and *a coil wound around a second end of said latch lever.*

The Examiner refers to Takahashi's element 25 as corresponding to the claimed *latch lever.* Element 25 is an elastic plate spring 25. Looking to each of Takahashi's figures, we find *an interference part* (unnumbered: not Takahashi's element (yoke) 24 as erroneously described by the Examiner) *attached to a first end of* plate spring 25, but we find no *coil wound around a second end of* plate spring 25. In fact, the second end of plate spring 25 is fixed to VCM (lower) yoke 24.

Accordingly, Takahashi fails to disclose at least the feature of *a coil wound around a second end of said latch lever.* "There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *Scripps clinic & Research Foundation v. Genentech, Inc.,* 927 F.2d 1565, 18 USPQ2d 1001, 18 USPQ2d 1896 (Fed. Cir. 1991).

We note here that the Examiner has referred to Takahashi's solenoid coil 28 as the claimed *coil wound around a second end of said latch lever*, however, it is clear from Takahashi's figures that coil 28 is wound around iron plunger 26 and magnet 27.

Note that in order for an anticipation rejection to be proper, the anticipating reference must disclose exactly what is claimed. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Note here that the Examiner has not relied on "inherency," accordingly, each and every element must be expressly described in Takahashi.

Claim 13 further calls for, in part, *a power supply for driving said latch lever, wherein said second end of said latch lever is magnetically attracted to said second extended coupling portion of said lower yoke when said power supply provides a first current to said coil.* In Takahashi, the second end of the latch lever is fixed to lower VCM yoke 24 and cannot be *magnetically attracted to said second extended coupling portion of said lower yoke when said power supply provides a first current to said coil.*

Further yet, claim 13 requires that *said second end of said latch lever* be *magnetically attracted to said first extended coupling portion of said upper yoke when said power supply provides a second current, opposite to said first current, to said coil.* Again, in Takahashi, the second end of the latch lever is fixed to lower VCM yoke 24 and cannot *magnetically attracted to said first extended coupling portion of said upper yoke when said power supply provides a second current, opposite to said first current, to said coil.*

Note here that there is no disclosure in Takahashi suggesting that elastic plate spring 25 is magnetically attracted to any magnetic force. Instead, it is the iron plunger 26 that moves in response to a magnetically attracting force.

Accordingly, the rejection of claims 13-16 is deemed to be in error and should be withdrawn.

Claim 14 calls for *said interference part* to include *a [[step]] <u>stepped</u> part having an inclined surface over which said locking protrusion slides when said magnetic head is to be parked in said parking area.*

In Takahashi, the first end of elastic spring 25 has no inclined surface. Additionally, *when said magnetic head is to be parked in said parking area* in Takahashi, the elastic plate spring 25 is in the position as as shown in Fig. 2. **Once the magnetic head is parked, <u>then,</u>** as shown in Fig. 3 (see col. 4, lines 56-66), a first current is supplied to the solenoid coil 28 so as to generate an upward magnetic force larger than the difference in strength between the first magnetic force of the magnet 27 and the bias force of the spring. On applying the first current so as to cancel the force of the magnet 27, the plate spring 25 moves to a height which is high enough to lock the actuator 21. FIG. 4 is a side view illustrating the lock mode.

Accordingly, there no portion of the locking protrusion slides over any surface portion of spring 25.

Note here that protrusion 11 in Takahashi's Fig. 1 is not the same element engaged by spring 25 in Fig. 4. Protrusion 11 extends horizontally from the rear of the actuator whereas the protrusion in Fig. 4 extend vertically below the actuator.

Accordingly, the rejection of claim 14-16 is deemed to be in error and should be withdrawn.

Claims 3-6, 9-12 and 17 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Takahashi et al. in view of Stone (US 5668683). The Applicant respectfully traverses this rejection for the following reason(s).

As discussed previously, claim 1 has been amended to include the features of *a stopping guard having a pair of hooking portions* and *a latch lever pivotally installed on said stopping guard.* These features have been determined by the Examiner to not be disclosed in Takahashi.

The Examiner states "Stone is relied on for the teachings of the hooked stopper with a pivotal mounted (see element 50 in figure 3 and col. 4, lines 22-27 of Stone)."

It is not clear what the Examiner is referring to with respect to the phrase "pivotal mounted." Element 50 in Stone is disclosed to be an "inner stop 50." Lines 22-27 of col. 4, in Stone state:

> "A crash stop 51 is integrally formed with the voice coil motor 49, as shown in FIG. 4, which limits the rotary travel of the actuator assembly 27 by contacting outer limit stops 50a and inner limit stop 50b, preventing the actuator assembly 27 from traveling beyond the outer periphery of the disk 45 as well as "crashing" into the spindle 46."

Stone would have fairly taught, to one of ordinary skill in the art, the use *a stopping guard having a pair of hooking portions* instead of the stopper and magnet 12 of Takahashi. However, there is no teaching in Stone nor Takahashi of using *a latch lever pivotally installed on said stopping guard.*

Accordingly, claim 1 in not anticipated by Takahashi and is not obvious in view of the combined teachings of Takahashi and Stone. Claims 3-6 and 9-12 depend from claim 1 and thus incorporate the features of claim 1. Therefore, claims 3-6 and 9-12 are not obvious, and the rejection should be withdrawn.

Claim 17 depends from claims 13 and 14, the features thereof having been discussed above with respect to the §102 rejection.

Stone has not been applied as a teaching of those features of claims 13 and 14 noted as

lacking in Takahashi.

Claim 17 also calls for *a stopping guard having a pivot shaft installed thereon, said latch lever being pivotally installed on said pivot shaft and said first and second stops are hook shaped extensions extending from opposite ends of said stopping guard.*

The Examiner has not identified where either of the applied references teach a pivot shaft installed on a stopping guard, nor where it is taught that the latches of either reference could be installed on such a pivot shaft.

Note, *Ex parte Levy*, 17 USPQ2d 1461, 1462 (1990) states:

> "it is incumbent upon the examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference."

The Examiner is referred to 37 CFR §1.104(c)(2) which directs the Examiner to designate the particular part relied on as nearly as practicable, when a reference is complex or shows or describes inventions other than that claimed by the applicant. Clearly Takahashi and Stone show or describe inventions other than that claimed by the applicant, or a §103(a) rejection would not have been made. The pertinence of each reference, if not apparent, must be clearly explained.

Accordingly, the rejection of claims 3-6, 9-12 and 17 is deemed to be in error and should be withdrawn.

New claims 22-25 are deemed to be allowable over the art of record for the same reasons as claims 1-17 discussed above.

The examiner is respectfully requested to reconsider the application, withdraw the objections

and/or rejections and pass the application to issue in view of the above amendments and/or remarks.

Should a Petition for extension of time be required with the filing of this Amendment, the Commissioner is kindly requested to treat this paragraph as such a request and is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of the incurred fee if, **and only if**, a petition for extension of time be required **and** a check of the requisite amount is not enclosed.

Respectfully submitted,

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